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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,967	10/02/2000	Bradford G. Corbett JR.	0230CG-101	4319

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EXAMINER

BLOUNT, STEVEN

ART UNIT	PAPER NUMBER
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2661

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DATE MAILED: 05/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/676,967	Applicant(s) Corbett, JR
Examiner Blount	Group Art Unit 2661

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 3/31/03
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 4, 5, 7-11 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 4, 5, 7-11 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/31/03 has been entered.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. 4 - 5 and 7 - 11 are rejected under 35 U.S.C. 112 second paragraph for failing to particularly point out and distinctly claim the subject matter which the applicant regards as their invention. In claims 4 and 5, last paragraph, it is stated

“whereby a pre-stressed and pre-located integral gasket is provided withing the socket end of a polyethylene pipe which is securely retained within a receiving groove which is integrally formed about the gasket during the manufacturing step”. Futher, installing the sealing gasket in the gasket receiving groove is now recited in the *preamble*.

However, the step of providing an integral gasket within the socket end of a polyethylene pipe is never positively recited in the *body* of the claim. The examiner observes that installing the sealing gasket in a gasket receiving groove has been added to the preamble, and that the use of a

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polyethylene pipe is recited as well. However, since the installation step in the gasket receiving groove is never recited in the body of the claim, the claim is indefinite. Even though the word comprising is used, the preamble states that a sealing gasket is installed, but what is actually claimed in the body of the claim is a process for *manufacturing* an integral sealing gasket. (While not relevant to a 112 second paragraph analysis, the examiner notes that including the installation step is crucial to the claimed invention, since applicant has based most of their arguments for patentability over Sznopek et al on the fact that Sznopek et al teaches the use of an asbestos pipe).

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 - 5 and 7 - 11 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 4329193 to Sznopek et al in view of U.S. patent 5,411,619 to Sundqvist et al and U.S. patent 5,988,695 to Corbett Jr.

With regard to claim 4, Sznopek et al teach the invention, including installing an elastomeric gasket (col 5, lines 40+) on a mandrel (col 6, lines 20+), and extruding a composite material including a thermosetting plastic. See col 5, lines 27+. Sznopek et al do not, however, teach extruding a strip of *thermoplastic* material, said thermoplastic material made of

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polyethylene. Extruding a strip of thermoplastic material about a mandrel is taught in Sundqvist et al. See col 1, lines 14+. Having a “polyethylene” material cover a gasket is taught in col 4, line 15 of Corbett Jr. Further, Corbett Jr. also teaches installing an integral sealing gasket within a gasket receiving groove located in a bell connection of a joint of polyethylene pipe. See col 3 lines 60+, col 4 lines 10+, col 4 lines 47 - 60. It would have been obvious to one of ordinary skill in the art at the time of the invention to have extruded a strip of thermoplastic material consisting of polyethylene about the mandrel of Sznoppek et al, in light of the teachings of Sundqvist and Corbett Jr., in order to provide a method for more easily coating the gasket with a cheaper and simpler material (pure resin) than one that requires the use of fiberglass, and one that has the appropriate thermal properties.

With regard to claim 5, note the rejection of claim 1 above, and further note the rotation in figure 1 of Sundqvist, the locating area 28 in figure 2 of Sznoppek et al, and cooling spray in col 2 lines 2+ of Sundqvist et al. Also note that it is common in operations such as these to terminate an extruding step while continuing to rotate its associated mandrel, and note the knife 9 in Sundqvist.

With regard to claim 7, see column 1, lines 57+ of Sundqvist.

With regard to claim 8, see member 11 of Sundqvist.

With regard to claim 9, again see member 9 of Sundqvist.

With regard to claim 10, see col 3 lines 54+ of Sundqvist et al.

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With regard to claim 11, note that column 4, lines 12+ teach "heating and pushing" pipe 31 over members 17, 11, and 23. This is an obvious variation of electrowelding.

Response to Arguments

6. As noted above, since applicant has not positively recited providing an integral gasket within the socket end of a polyethylene pipe in the body of the claim, this is merely intended use to which no patentable weight may be accorded. However, even if patentable weight is accorded to this limitation, it is noted that Corbett Jr. (5988695) teaches this in the sections noted above including col 4 lines 10+. As previously noted, having a "polyethylene" material cover a gasket is taught in col 4, line 15 of Corbett Jr. Applicant states that the gasket is "pre-located" because it is already present in the gasket receiving groove when the bell pipe end is formed. In response, the examiner would like to ask, where does it state this in the claim? In the claim, the gasket is formed about a *mandrel*. Sundqvist is relied upon merely for its teaching of wrapping thermoplastic material.

Contact Information

7. Examiner Blount may be contacted at the Patent Office between the hours of 9:00 am to 5:30 P.M. Monday through Friday. His phone number is (703) 305-0319.

8. Any inquiry concerning this communication should be directed to Examiner Steven Blount at telephone number (703) 305-0319.

SB
4/29/03


KENNETH VANDERPUYE
PRIMARY EXAMINER